

REMARKS

Claims 41-56 are pending in the current application. Claims 1-40 have been canceled.

The Office Action asserts that the Information Disclosure Statement ("IDS") filed March 10, 2004, fails to comply with 37 C.F.R. § 1.98(a)(2), and indicates that the information the Applicant has disclosed will not be considered.

It is submitted that copies of references listed in the IDS are not required to be provided to the USPTO, because the parent application is properly identified in the IDS and is relied on for an earlier effective filing date. 37 C.F.R. § 1.98(d)(1), (2). For the reasons stated above, the Applicant requests that the Examiner consider the references cited in the IDS in the current application.

The Office Action, referring to claims 41-56, indicates that claims in which both an apparatus and the method steps of using the apparatus is indefinite. Applicant submits that none of claims 41-46 claim both an apparatus and method of using an apparatus within the same claim. Applicant submits that since the preamble to claims 41-56 merely recites the purpose of a process or the intended use of a structure, and that since the body of the claims do not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone, then no patentable weight should be given to the preamble.

Drawing Objections

The Office Action objects to the drawings in amended Figure 1, elements 10 and 100 have been more clearly identified. In amended Figure 6, element 64 has been more clearly identified. In amended Figure 7, element 74 has been more clearly identified. For the above reasons, Applicant requests withdrawal of the objections to the drawings.

35 U.S.C. § 112 Rejections

The Office Action rejects claims 41-56 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement and written description requirements. The Office Action indicates that the original specification fails to provide for and/or enable one skilled in the art to make or use various items with regards to security of an apparatus control

computer. Applicant submits that examples 3-5 in Fig. 5 correspond with claim 41. Support for claim 41 can be found in paragraphs [0054] and [0055], for example.

As to claim 52, the Critical Dimension Accuracy (“CD-Accuracy”) is commonly applied to the dimensional tolerance requirements. Furthermore, the term “computer for extracting tuning work required” does not connect to a requirement for a dedicated computer for such a network.

Claims 41-56 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicant submits that the claims now overcome this indefinite rejection, and request the withdrawal of the rejection.

The Office Action, referring to claims 41-56, indicates that it is not clear what is required to be done in regards to security of an apparatus control computer. Applicant submits that the manufacturing information, as well as the inspection information, are stored in terms of security of the apparatus control computer. Security refers to preventing manufacturing and inspection information from leaking out. In other words, security prevents confidential information belonging to the user, or information owned by the user, from leaking out even during a malicious attack on the system. See paragraph [0014], and claims 11 and 12 as originally filed, for example.

The Office Action, referring to claims 41-56, indicates that it is not clear what is required to store user information. The Applicant submits that the manufacturing apparatus, inspection apparatus, and apparatus control computer may be used to store user information. The user information is stored in the apparatus control computer. Such information is included in the operational data needed to enable the apparatus being run; therefore, said information requires no dedicated or separated storing action therefore. The physical memory medium is necessary to ensure the security of the system. However, the user information does not necessarily require another physical memory medium because that information is stored in the apparatus control computer. Support for this can be found in paragraphs [0028], [0009], [0012], and Fig. 2,

The Office Action, referring to claim 43, indicates that it is not clear what is required to be in regards to security of an apparatus control computer storing user information. Claim 43 recites that the apparatus control computer stores user information. The recited easily transportable feature provides security. Accordingly, withdrawal of the rejection is requested.

The Office Action, referring to claims 43, 48-50, and 52, indicates that there is no antecedent basis for the term “the user information.” The term in the recited claims has been amended to “user information.” Accordingly, withdrawal of the rejection is requested.

The Office Action, referring to claim 43, indicates that it is not clear what is required to store the user information. Claim 43 recites that the apparatus control computer stores user information.

The Office Action, referring to claim 48, indicates that it is not clear what information is required to be difficult. Applicant submits that difficulty information refers to information that denotes a degree of difficulty involved in something in either a qualitative or quantitative sense. The Examiner is referred to paragraph [0008] and [0009] to further support the term “difficulty information.”

The Office Action, referring to claims 48-49, indicates that the term “the apparatus control computer” has insufficient antecedent basis. The term in the recited claims has been amended. Accordingly, withdrawal of the rejection is requested.

The Office Action, referring to claim 49, indicates that the term “the running information” has insufficient antecedent basis. The term in the recited claims has been amended. Accordingly, withdrawal of the rejection is requested.

The Office Action, referring to claim 50, indicates that it is not clear what is required to store manufacturing or inspection information. Either manufacturing or inspection information may be stored.

The Office Action indicates that it is not clear which computer the term “said computer” in claim 54 refers to. Claim 54 has been amended to recite “apparatus control computer.”

The Office Action indicates that it is not clear what the term “the above information” in claim 54 refers to, and requests the Applicant designate what information is considered “the above information.” The Applicant submits that this phrase means “calculated from the above information.” “Above” indicates the information in (1)-(4) of claim 54.

The Office Action indicates the phrase “or the like” in claim 56 renders claim 56 indefinite. Applicant has amended claim 56, and requests withdrawal of the rejection.

The Office Action indicates that the term “easily” in claim 43 is a relative term rendering the claim indefinite. The Applicant submits that claim 43 has been amended, and requests withdrawal of the rejection.

The Office Action indicates that the term “difficulty” in claims 48-51 renders the claims indefinite. The Applicant submits that the term “difficulty information” is intended to refer to being hard to manufacture (*i.e.*, the required accuracy would not be satisfied unless fine adjustment of manufacturing apparatus are made).

The Office Action rejects claim 49 under 35 U.S.C. § 102(b) over U.S. Pat. No. 5,014,208 by Wolfson (“Wolfson”). Applicant submits that Wolfson does not disclose or suggest “difficulty information,” as recited in claim 49. Wolfson merely discloses computer programs (scripts) which regulate inventory levels of a product. *See* col. 15, lines 10-50. In fact, Wolfson states that the type of data collected “reflect the need for inventory control and the lack of interest in process data.” *See* col. 15, lines 51-53. Thus, Wolfson seems to defines “difficulty” as the grade (or class) of as-manufactured quality of each product (*i.e.*, wafers). In contrast, claim 49 is directed towards storing “difficulty information,” which refers to the high level of accuracy required to manufacture the products. *See* paragraphs [0008] and [0009]. This information is used to charge the user according to the level of accuracy requested. Wolfson is silent to any sort of system that charges the user.

Applicant further submits that Wolfson does not disclose or suggest a “transmitting unit,” as recited in claim 49. Wolfson merely discloses information being sent from an operation class to an operation server. *See* col. 8, lines 26-35. Wolfson is silent as to any separate transmitting unit, as claimed in claim 49.

Applicant further submits that Wolfson does not disclose or suggest a “security,” as recited in claim 49. Wolfson describes security as a restriction of access to a computer. *See* col. 8, lines 23-25. In contrast, the current invention defines security as a prevention of information leakage.

For the above stated reasons, claim 49 is not anticipated by Wolfson. Withdrawal of the rejection is requested.

The Office Action rejects claims 43-45 and 49 under 35 U.S.C. § 102(e) over U.S. Pat. No. 6,385,497 by Ogushi (“Ogushi”).

Applicant submits that Ogushi does not disclose or suggest “a physical memory medium,” as recited in claim 49. Ogushi merely discloses information existing in a host computer, presumably in a database.

Applicant submits that Ogushi does not disclose or suggest a “transmitting unit for transmitting the running information of said manufacturing/inspection apparatus,” as recited in claim 49. Ogushi merely mentions that “[u]pon occurrence or trouble, the host computer 107 obtains status information such as the state of the trouble and notifies the vendor 101 side of them through the internet 105.” *See* col. 3, lines 51-53. Ogushi is silent as to a “transmitting unit for transmitting the running information of said manufacturing/inspection apparatus,” as recited in claim 49. In contrast, claim 49 recites “a transmitting unit,” which may be a standalone server, and thus may have no functional link with the manufacturing/inspection apparatus.

Applicant submits that Ogushi does not disclose “difficulty information,” as recited in claim 49. The Office Action alleges that claim 49 does not require that the difficulty information be difficulty of service. Applicant submits that Ogushi is silent as to any difficulty of service, or difficulty information.

The Office Action alleges that claim 49 does not require security from any specific threat, or any type of security apparatus/means or barrier to be implemented. The Applicant submits that the security dealt with in the present invention relates to the leaking of information from on-line transmission, not security preventing the access of a computer.

Referring to claim 43, the Office Action asserts that a computer can be transported easily. Thus, the Office Action equates “memory device” or “memory medium” with a computer. Applicant submits that the current invention is not directed to transferring data to an outside server by using transportable computers, as the Office Action alleges. The alleged system would not provide for security of information on the computer, since it would require disconnecting the computer, transporting the computer, and then reconnecting the computer with the information directly to a communication server.

Referring to claim 44, Applicant submits that Ogushi does not disclose or suggest “a transmitting unit,” as recited in claim 44. Ogushi is silent as to a separate transmitting unit as disclosed in the present invention.

As to claim 45, the Office Action presumes Ogushi discloses a host computer for a transmitting unit. However, Ogushi does not disclose a transmitting unit connected to a wide area communication network, as claimed in claim 45. Instead Ogushi discloses a host computer, and discloses no difference between the host computer and an access control computer.

For the above stated reasons, claims 43-45 and 49 are not anticipated by Ogushi. Withdrawal of the rejections is requested.

The Office Action rejects claims 41-42, 48 and 50-53 under 35 U.S.C. § 103(a) over U.S. Pat. No. 6,131,052 by Ban (“Ban”) in view of Ogushi. The Office Action rejects claims 41-42, 48 and 50-56 under 35 U.S.C. § 103(a) over U.S. Pat. No. 6,249,776 to Bajuk (“Bajuk”) in view of Ogushi.

Applicant submits that none of the cited references disclose “determining a charge for use,” as recited in claims 41-42, “ or “setting a charge for use,” as recited by claims 48, 50-51, and a “display for charge for use,” as recited by claim 54. Applicant submits that the Office Action misconstrues the scope of Ban. Applicant submits Ban is directed towards methods of reducing the time needed to manufacture semiconductors (*see* col. 2, lines 38-41), and is silent as to methods or devices for charging the user for manufacturing and/or inspecting products. Applicant submits that Bajuk merely relates to processing costs for semiconductor production (*see* col. 1, lines 27-29), and is silent as to methods or devices for charging the user for manufacturing and/or inspecting products. Thus, even if combined, the applied references would not render these claims obvious for the above stated reasons, claims 41-42, 48 and 50, 51 and 54 are patentable over the cited references.

Applicant submits that none of the cited references disclose “apparatus control computer transmits information to said exclusive server only via a physical medium in regards to security of the apparatus control computer storing the user information,” as recited in claim 52. The Examiner admits that neither Ban or Bajuk discloses security of an apparatus control computer. The Examiner further admits that neither Ban or Bajuk discloses an apparatus control computer

connected to the communications network via a server. Applicant submits Ogushi fails to teach “physical memory medium in regards to security of the apparatus control computer storing user information,” as recited in claim 52.. Thus, even if combined, the applied references would not render these claims obvious for the above stated reasons, independent claim 52, and dependent claims 53-56, are patentable over the cited references.

The Office Action rejects claims 46-47 under 35 U.S.C. § 103(a) over Ogushi in view of Bajuk or Ban. Applicant submits none of these references disclose a “charge for use of said manufacturing/inspection apparatus,” as recited in claims 46-47. The Examiner admits that Ogushi fails to disclose a charge for use of manufacturing/inspection apparatus that is based on the information transmitted by said transmitting unit or stored in said memory device. Thus, even if combined, the applied references would not render these claims obvious for the above stated reasons, claims 46 and 47 are patentable over the cited references.


Conclusion

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16, 1.17, and 1.136 or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600. A duplicate copy of this authorization page is attached.

Should there be any questions concerning this matter, the Examiner is invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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AMENDMENT TO THE DRAWINGS

Please amend Figs. 1, 6 and 7 as set forth in the attached Request for Approval of Drawing Corrections.

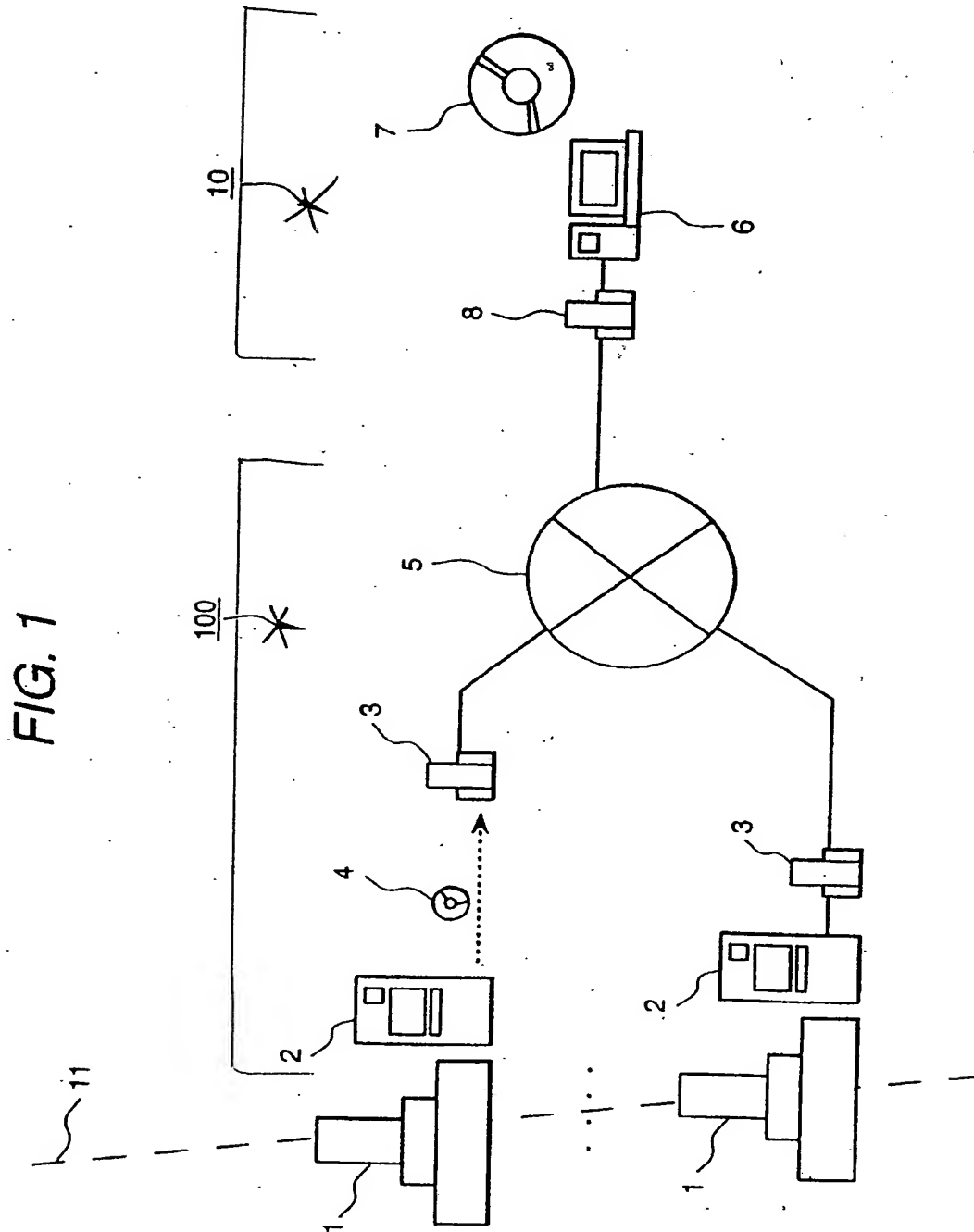




FIG. 6

EXAMPLE OF CHARGE REPORT

61

<REPORT OF CHARGE FOR USE>

62

CUSTOMER ID:EB*****
COLLECTION DATE:2000*06/20

63

64

CHARGE FOR USE:\$x. xxx. xxx
(PRECEDING DAY:\$Z. ZZZ. ZZZ)

65

(CALCULATION CONDITION)
NUMBER OF SHEETS TO BE PROCESSED:13 SHEETS
RUNNING TIME:12HOURS
TOTAL NUMBER OF SHOTS:3.3E9
PRODUCT GRADE COEFFICIENT:1.0
APPARATUS CONDITION COEFFICIENT:0.1
CALCULATION ALGORITHM:No.4

FIG. 7

EXAMPLE OF PERIODICAL CHARGE REPORT

71

<REPORT OF MONTHLY CHARGE FOR USE>

72

CUSTOMER ID:EB*****
COLLECTION DATE:2000/05/21 ~2000/06/20

73

74

CHARGE FOR USE:\$x. xxx. xxx
(PRECEDING DAY:\$Z. ZZZ. ZZZ)

75

(CALCULATION CONDITION)
TOTAL NUMBER OF SHEETS PROCESSED:124 SHEETS
TOTAL RUNNING TIME:240 HOURS
TOTAL NUMBER OF SHOTS:8.3E12
AVERAGE GRADE COEFFICIENT:1.2
AVERAGE APPARATUS CONDITION COEFFICIENT:0.1
CALCULATION ALGORITHM:No.4